

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
KHALID WEST

Petitioner,

- against -

**JOSEPH T. SMITH, *Superintendent,*
*Shawangunk Correctional Facility,***

Respondent.
-----X

03 CV 947 (NG) (LB)

ORDER

GERSHON, United States District Judge:

Magistrate Judge Lois Bloom's Report and Recommendation of October 7, 2005 recommends denial of this petition for a writ of *habeas corpus*, which challenges a March 18, 1997 conviction in state court. I have reviewed the Report and Recommendation and petitioner's objections, which are without merit. Judge Bloom has addressed every issue in a thorough and well-reasoned manner. Her Report and Recommendation is adopted and the petition is denied.

As petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is denied.

SO ORDERED.

/s/ *Nina Gershon*
NINA GERSHON
United States District Judge

**Dated: December 19, 2005
Brooklyn, New York**